

REMARKS

Claims 1-4, 6-24, 27-47 currently stand rejected under 35 U.S.C. § 103 as obvious over PCT Patent Application Publication No. WO98/36366 of *Skillen* ("*Skillen*") in view of PCT Patent Application Publication No. WO 98/47295 of *Titmuss* ("*Titmuss*"). Claims 5, 25, 26 and 48 stand rejected in view of *Skillen* and *Titmuss* in further view of what is alleged as "old and well-known" based on official notice. Claims 1, 11, 22, 25, 32 and 41 have been amended. Applicant respectfully requests reconsideration of the subject application in view of the amendments and remarks contained herein.

Claim rejections - 35 U.S.C. § 112

Claim 25 has been rejected on antecedent basis grounds. To correct an inadvertent error by which the claim was made dependent on claim 1, the claim has now been amended to reference claim 22. Thus, Applicant submits that the antecedent basis for "the entity" has been corrected.

Claim rejections - 35 U.S.C. § 103

The Examiner presently has rejected independent claims as being obvious over *Skillen* in view of *Titmuss*. While the Applicant disagrees with the propriety of the combination and the asserted disclosure of the claimed features, Applicant has amended the claims to more clearly claim the Applicant's invention for purposes of expediting the application process. Applicant respectfully requests reconsideration in light of the amendment contained herein.

Independent Claim 1 and Its Dependent Claims

Generally, as relied upon by the Examiner, *Skillen* discloses a personal computer search engine with an advertisement generating system responsive to search requests. *Titmuss* discloses a system for shortlisting information specific to the location of a user of a system to allow a user to access information specific to the location. However, these documents do not disclose or teach the invention of Applicant as claimed in claim 1.

Amended claim 1 defines:

A method of providing information to a device, said method comprising:
receiving a request for information from said device;
receiving location information indicative of the geographical position of said device;
processing the requested information and location information with at least one processor so as: (1) to select audio-visual content based on said request and regardless of said location information, and (2) to select geographically-oriented information, based on said location information; and
sending response information to said client device in response to said request, said response information comprising both said geographically-oriented information and said content,
wherein the geographically-oriented information includes (a) a first message of a vendor and (b) a subsequent message of the vendor indicating a change in proximity of the device.

As disclosed in the specification, Applicant's system permits advertisements to change depending on the location of the end user computer with respect to the same vendor using

multiple messages of the vendor. Specification at, *inter alia*, ¶¶ 25-29. Thus, advertisements may cycle when the end user computer is in a targeted area. Specification ¶ 29. As illustrated in FIG. 2, an advertisement for the same vendor may change as the user gets closer to the vendor's establishment. Specification ¶ 29. For example, the advertisement may contain messages such as "your getting closer!" Specification ¶ 29. Neither Skillen nor Titmuss disclose such a system.

Accordingly, Applicant submits that claim 1 and its dependent claims are in condition for allowance. Thus, Applicant respectfully requests that the Examiner allow claim 1. Similarly, Applicants submit that the allowance of claim 1, requires allowance of its dependent claims. The dependent claims incorporate the novel and non-obvious invention of the parent claim, in addition to the novel and non-obvious features contained in them.

Independent Claims 11, 22, 32 and 41 and Their Dependents

The subject matter of amended claims 11, 22, 32 and 41 may be compared with claim 1. Claim 11 defines:

A method of providing information to a device, said method comprising:
receiving a request for information from said device;
receiving location information indicative of the geographical position of said device;
processing the requested information and location information with at least one processor so as: (1) to select audio-visual content based on said request and regardless of said location information, and (2) to select geographically-oriented information, based on said location information; and
sending response information to said client device in response to said request, said response information comprising both said geographically-oriented information and said content, wherein said step of selecting geographically-oriented information comprises selecting said

geographically-oriented information from a collection of said geographically-oriented information,

wherein the collection of said geographically-oriented information includes a second message of a vendor and a first message of the vendor, and wherein the step of selecting the geographically-oriented information includes delivering the first message to indicate a change in proximity of the device relative to the vendor.

Claim 22 defines:

A method of providing information to a device, said method comprising:
receiving a request for information from said device;
receiving location information indicative of the geographical position of said device;
processing the requested information and location information with at least one processor so as: (1) to select audio-visual content based on said request and regardless of said location information, and (2) to select geographically-oriented information, based on said location information; and
sending response information to said client device in response to said request, said response information comprising both said geographically-oriented information and said content,
wherein said geographically-oriented information is associated with an entity, and further comprising the step of said entity being notified that said geographically-oriented information has been sent to said client, and
wherein the geographically-oriented information communicates a change in proximity between the device and the entity with a plurality of messages concerning the entity.

Claim 33 defines:

A portable system for presenting information to a user comprising:
a processor;
a positioning system;
input means for receiving information from a user;

a display;
a modem;
instructions executable by said processor, said instructions comprising receiving a request for information from a user via said input means; retrieving the geographic location of said positioning system from said positioning system; sending said request and said geographic location to a server via said modem; receiving from said server requested information and location information, said requested information being responsive to said request and said location information being responsive to said geographic location; and displaying said requested information and said location information with a plurality of messages of a vendor to indicate a change in location of the portable device with respect to the vendor.

Claim 41 defines:

A system for presenting information to a user comprising:

a remote device comprising a positioning system and a modem;

a server comprising neutral content and dependant content, said dependant content comprising geographically-oriented content; wherein when said remote device requests said neutral content via said modem and sends its geographical location as determined by said positioning system, said server sends said neutral content and said dependant content, said dependant content at least including first and second messages concerning a vendor to indicate a change in proximity of the remote device with respect to the vendor.

Neither *Skillen* nor *Titmuss* disclose such inventions. Accordingly, Applicant submits that claims 11, 22, 32 and 41 are in condition for allowance. Thus, Applicant respectfully requests that the Examiner allow claims 11, 22, 32 and 41 and their dependent claims, which incorporate the novel and non-obvious invention of the parent claim, in addition to the novel and non-obvious features contained in them.

Claims 5, 25, 26 and 48

Applicant takes exception to the Official Notice referenced in the Office Action with respect to claims 5, 25, 26 and 48 stating that certain matters are "old and well known " such that "[i]t would have been obvious to a person of ordinary skill in the art at the time of the invention to include" the language defined by the claims. The Official Notice is respectfully traversed for the reason that the suggestion set forth in the Office Action is taken out of context or otherwise inconsistent with disclosure of *Skillen* or *Titmuss*. Applicant hereby requests that the authority for the statements set forth in the Official Notice be produced.

Nevertheless, Applicant submits that the allowance of their parent claims requires allowance of dependent claims 5, 25, 26 and 48. The dependent claims incorporate the novel and non-obvious invention of the parent claim, in addition to the novel and non-obvious features contained in them. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejections.

Conclusion

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is

Application No.: 09/785,095

Docket No.: SONY 3.0-030

respectfully requested that he/she telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: July 7, 2005

Respectfully submitted,

By 

Raymond B. Churchill, Jr.

Registration No.: 44,617

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicant

577456_1.DOC